

The Salisbury Planning Board held its regular meeting on Tuesday, May 28, 2002, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Jerry Wilkes, Sandy Reitz, Rodney Queen, Fred Dula, Lou Manning, Jeff Smith, Brian Miller, Elaine Stiller, Eldridge Williams, Sean Reid

ABSENT: Ken Mowery

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Dula. The minutes of May 14, 2002, were approved as published.

ZONING TEXT AMENDMENT REQUEST

Reverend Kenneth Lance, pastor at First Baptist Church, stated that the sign ordinance only permits the church to keep up their sign announcing Vacation Bible School for 15 days. This special event sign relies heavily on traffic exposure so that those people who are not members of the church can be made aware of various events and feel invited to attend and participate. The signs curtail some of the church's cost for advertising and allows visibility to people traveling Fulton Street by car and foot to see what is happening at the church. He feels signs of this type should be allowed to remain 30 days prior to the event.

Brian Miller moved to refer the request to a committee. The motion was seconded by Lou Manning with all members voting AYE. Chairman Dula assigned the Legislative Committee to study this request for a recommendation at the next Planning Board meeting.

COMMITTEE REPORTS

(a) G-7-02 Drummond Village, 2800 block Stokes Ferry Road – Jeff Smith reported for the committee. The committee was directed at the last Planning Board meeting to look at Phase 5 of the site plan, an area containing 30 town homes, to consider the issues regarding alleyways and garbage collection. The committee discussed whether the alleyways should be public or private and how wide they should be. The committee felt garbage collection should occur from the alleyway with rollout carts rather than from a dumpster as recommended by staff. The committee is recommending approval of Phase 5 of Drummond Village with 16-foot alleys (14 feet of asphalt with 1-foot concrete ribbons on each side) with the alleys to be designated as private. Mr. Smith then moved to favorably recommend to City Council the committee's recommendation. The motion was seconded by Mr. Queen with all members voting AYE.

(b) S-2-92 Forest Glen, N. C. 150 west of Rowan Mills Road – City Engineer Dan Mikkelson explained at the May 14 meeting that the Technical Review Committee had four recommendations relative to the implementation of new subdivision standards. At that meeting the Planning Board approved granting relief to sidewalk requirements along the frontage of an existing thoroughfare, approved granting relief to the maximum distance allowed between intersections on new streets in a subdivision, and denied relief to the requirement for sidewalks

on both sides of all new subdivision streets. The remaining TRC recommendation was a second entrance into the subdivision, which was assigned to a committee. Jeff Smith reported for the committee. The committee met on-site with the developers and discussed specifically the issue of the potential second entrance to the subdivision. The developers presented additional letters from N. C. DOT and their traffic consultant, both of which indicated a second entrance was not necessary nor required. Mr. Smith moved to approve the committee report which recommends approval of Phases 3, 4, and 5 of Forest Glen without a second access point off N. C. 150. The motion was seconded by Mr. Queen with all members voting AYE. On a motion by Mr. Smith, seconded by Mr. Wilkes, with all members voting AYE, all remaining subdivision requirements dealing with clarifying the borders for Phases 4 and 5, listing street names on the preliminary plat, and adding a note indicating that appropriate wetlands permits must be obtained prior to the Phase 4 plat being recorded were approved.

(c) Wilson Road Small Area Study – Phase 2 – Rodney Queen reported that a public hearing has been scheduled for the rezoning of Phase 1 (three lots on Wilson Road) from R-6A Multi-Family Residential to SFC Single Family Conservation. Work is continuing on a lot of different areas on Wilson Road (Phase 2).

(d) Park Avenue Neighborhood – Phase 2 – Lou Manning reported that a public hearing has been scheduled for the rezoning of Phase 1. In Phase 2, the committee is recommending that additional properties now zoned R-6A Multi-Family Residential be rezoned to Two Family Residential to encourage more home ownership rather than apartments. A small area of B-6 property is also being recommended for rezoning to B-1 Office Institutional in order to protect the edge of the neighborhood. Mr. Reid moved to schedule a courtesy hearing on these recommendations for June 11. The motion was seconded by Mr. Manning, with all members voting AYE.

(e) U. S. 70 cinema sign at Salisbury Mall – Elaine Stiller reported that the committee had taken a van tour of the site in question as well as TinselTown theater at Innes Street Market. There is some question as to the time frame for the closing of the theater at Salisbury Mall. The committee is continuing discussion of this matter.

(f) “Planning 101” citizen meeting – Harold Poole reported that the committee had met to begin discussing a citizen meeting to be held later in the year. The City of Charlotte will be conducting two citizen meetings in June (June 6 and June 20). It was the general consensus of the Board that those interested would attend one of the meetings to observe how their meetings are conducted.

STAFF REPORT

(a) Downtown signage pertaining to projecting signs, A-frame signs and banner signs – Mr. Poole reported that Downtown Salisbury, Inc., has asked Planning Board to look at possible zoning text amendments so that these three types of signs can be allowed in the downtown area. A review of the request indicates that amendments will need to be made to both the Zoning Ordinance and the Historic Preservation Commission’s Design Guidelines for Non-Residential Properties. Information was distributed listing the possible amendments which would need to be

discussed. He suggested this matter be referred to a committee involving the Planning Board, the Historic Preservation Commission, HPC liaison Lynn Raker, Hubert Furr, and Randy Hemann. Mr. Smith commented that the Planning Board deals with ordinance technicalities and the HPC works mainly with appearance criteria—which are two entirely different matters. He feels that a combined meeting would confuse the issue and suggested that both boards look at the issue separately. Mr. Manning moved to send the request to a Planning Board committee which will deal just with zoning amendment issues in the B-5 area. The motion was seconded by Mr. Miller with all members voting AYE. The Legislative Committee (Reid, Smith, Stiller, and Ken Mowery replacing Brian Miller due to a conflict) was assigned to this matter.

(b) Connectivity between commercial group developments – City Engineer Dan Mikkelson reported that City Council had asked the Planning Board to look into making code revisions that would be consistent with Policy C-10 of Salisbury Vision 2020 which encourages the consolidation of commercial driveways onto major streets and the connection of adjacent parking lots. Council wants to ensure that an existing parking lot connection between Mid-Carolina Mall and the Salisbury Mall can be preserved by the city if either property owner wants to close the access in the future.

When the Transportation Committee met, they discovered that connectivity is a complex issue and directed staff to study various options and prepare a recommendation. Staff held a meeting involving representatives from Planning, Engineering and the Fire Department. Since the Council was primarily concerned with the connection between the two malls, a text amendment was drafted that would require any disconnection between existing group developments to be reviewed under the group development review process. The proposed amendment was studied by the City Attorney who advised that such a requirement could be construed as inverse condemnation or acquiring private property for public use in violation of the Constitution. He did not recommend that we go back and make it a retroactive treatment. However, if a property owner is applying for a site plan approval for some other reason and if there is an existing connection, then we could require them to show that existing connection on the approved site plan. Salisbury Mall has asked for site plan amendments several times. Each time, only the area that was changing was shown rather than showing the entire mall property. The City Attorney has recommended that if the mall makes another site plan amendment, that the city require them to show the existing connection and that existing connection would be part of the approved group development site plan. The connection could not be eliminated without going through the site plan review process again.

Staff is recommending that we focus the connectivity issue right now to that example of group development site plans that have connections but don't currently show on the approved site plan and that no action be taken at this time. If either Mid-Carolina Mall or Salisbury Mall applies for a site plan amendment, the city should require the existing connection to be shown at that time. Mr. Miller moved that no action be taken at the present time. The motion was seconded by Mr. Manning with all members voting AYE.

(c) Mr. Poole gave a brief report on the 45th annual state planning conference held in New Bern May 15-17, 2002.

OTHER BUSINESS

Mr. Miller commented there are several properties in the downtown area (115) that are in a B-6 classification that could not be rebuilt if destroyed beyond 60% due to setback requirements. There are several undesirable permitted uses in B-6 which would not be suitable for the downtown area. Downtown Salisbury, Inc., had asked for a conforming/nonconforming status of the 115 properties if rezoned to B-5 Central Business. Staff has given this report to Planning Board and City Council. Mr. Miller felt that a committee should be appointed to begin examining the area for possible downzoning of B-6 areas to B-5.

He moved to refer the B-5/B-6 issue concerning downtown to a committee for review, specifically to look at downzoning B-6 areas in the downtown to B-5. The motion was seconded by Jeff Smith.

Mr. Miller indicated that there would be several properties which would become nonconforming if rezoned to B-5. Randy Hemann, DSI executive director, said that several of the nonconforming properties could be made conforming through zoning text amendments. He cited the example of depots which are allowed in the B-6 district but not in B-5. Mr. Poole felt that the Board should wait and respond to a formal request for a rezoning from Downtown Salisbury, for whatever properties they want to request for rezoning, to officially begin the process. Zoning text amendments could be considered at the same time as the zoning map amendment. Mr. Hemann indicated that DSI would not submit a formal application that would make a lot of the properties nonconforming when some text changes could take place prior to their rezoning submittal. He will not make formal application until some of those changes are taken care of.

Messrs. Miller, Smith, Queen, Dula, Manning, Williams, Reid and Mrs. Stiller voted in favor of sending the issue to a committee to begin a study, with Mrs. Reitz and Mr. Wilkes voting NAY. The motion carried. Chairman Dula assigned Committee 1 (Stiller, Williams, Manning, Reitz) to this matter.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary